IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL.

Writ Petition No. 1001 (S/S) of 2005

Smt. Deepa Adhikari
Wife of late Sri Himmat Singh Adhikari,
resident of Patuwadanger,
Nainital Road,
District – Nainital. **…….Petitioner**.

Versus

1. State of Uttaranchal, through its Secretary, P.W.D., Dehradun.
2. Executive Engineer Pranteey Khand, P.W.D, Nainital.
3. Chief Engineer Sarvajanik Nirman Vibhag, Kumaon area, Almora.

……Respondents

Hon'ble M. M. Ghildiyal, J

Heard Sri S.C. Bhatt, learned counsel for the petitioner and learned standing counsel, who has accepted notices on behalf of respondents.

Learned counsel for both the parties are agreed to decide the writ petition at its admission stage itself.

Learned counsel for the petitioner has submitted that petitioner is the wife of the deceased Sri Himmat Singh Adhikari, who expired on 27.07.1997. At the time of death, petitioner's husband was working with the Public Works Department as Chaukidar / Beldar. The deceased was employed with the respondent – department some times in 1986 as work charge employee. The widow of the deceased i.e. petitioner made representation to the authorities to provide her appointment under Dying in Harness Rules. However, no heed

has been paid by the department to pass order on the representation of the petitioner. Petitioner has filed the copy of the representation dated 17.08.1997, 23.05.2002 and 26.04.2005, which were addressed to Chief Engineer, PWD, Kumaoun Region, Almora and Executive Engineer, Regional Block, PWD, Nainital i.e. respondents 4 and 3 respectively.

The contention of the petitioner is that in spite of these representations no action has been taken by the respondents.

In view of the aforesaid facts, it will be proper to direct the respondents to decide the representation of the petitioner for providing her appointment under Dying in Harness Rules within a period of four weeks' from the date of production of certified copy of this order.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

July 21, 2005
S.K. Sharma